

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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CLIFTON A. PHILLIPS, JR.,

Plaintiff,

vs

9:03-CV-1019

ROY A. GIRDICH, Superintendent, Upstate  
Correctional Facility; JOHN J. DONELLI, First  
Deputy Superintendent, Upstate Correctional  
Facility; and A. BOUCAUD, Deputy Superintendent  
of Administration, Upstate Correctional Facility,

Defendants.

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APPEARANCES:

OF COUNSEL:

CLIFTON A. PHILLIPS, JR.  
Plaintiff, Pro Se  
99-A-1263  
Upstate Correctional Facility  
309 Bare Hill Road  
PO Box 2001  
Malone, NY 12953

HON. ANDREW M. CUOMO  
Attorney General of the  
State of New York  
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Department of Law  
The Capitol  
Albany, New York 12224

CHRISTOPHER W. HALL, ESQ.  
Asst. Attorney General

DAVID N. HURD  
United States District Judge

**ORDER**

Plaintiff, Clifton A. Phillips, Jr., brought this civil rights action pursuant to 42 U.S.C.  
§ 1983. In a Report Recommendation dated September 5, 2007, the Honorable David R.  
Homer, United States Magistrate Judge, recommended that the defendants' motion for

summary judgment be granted as to all claims and all defendants. Objections to the Report Recommendation have been filed by the plaintiff, and defendants filed a letter response to plaintiff's objections.

Based upon a de novo review of the portions of the Report-Recommendation to which the plaintiff has objected, the Report-Recommendation is accepted and adopted. See 28 U.S.C. 636(b)(1).

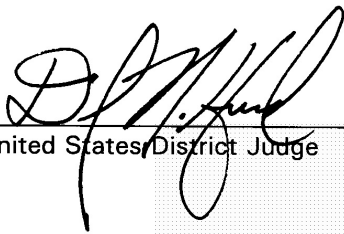
Accordingly, it is

ORDERED that

1. The defendants' motion for summary judgment is GRANTED;
2. The complaint is DISMISSED in all respects; and
3. The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.

Dated: October 17, 2007  
Utica, New York.

  
United States District Judge